

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:09-cv-00016-MR-DLH
(CRIMINAL CASE NO. 2:06-cr-00010-MR-DLH-1)**

BRUCE LEE RICHARDSON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on Petitioner’s “Motion Asserting a Defect in the Integrity of the § 2255 Proceeding Pursuant to Fed. R. Civ. P. 60(b)(6)” [Doc. 4].

In the present motion, Petitioner argues that the Court “misapprehended the position advanced by Richardson in his § 2255 motion.” [Doc. 4 at 4]. In so arguing, Petitioner reasserts the contentions made in his initial § 2255 motion. The Court finds no reason to re-examine the rulings previously made in the Order dismissing his initial § 2255 motion. [See Doc. 3]. Accordingly, the Petitioner’s Motion is denied.

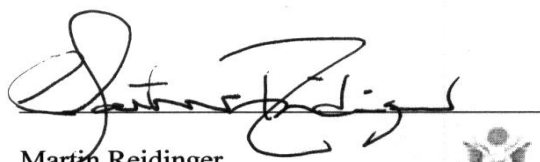
Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38, 123 S.Ct. 1029, 154 L.Ed.2d 931 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS, THEREFORE, ORDERED that Petitioner's "Motion Asserting a Defect in the Integrity of the § 2255 Proceeding Pursuant to Fed. R. Civ. P. 60(b)(6)" [Doc. 4] is **DENIED**.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability.

Signed: January 24, 2013

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

